

OMB Declassification & Release Instructions on File - No Referral to OMB

EXECUTIVE ORDER

----- COMMITTEE MANAGEMENT

Committees are a source of advice to the President and to the departments and agencies and are a useful means of coordinating government programs and of obtaining information and advice from the private sector. To assure the proper and effective functioning of committees at all times, and in consonance with the antitrust and conflict of interest laws, and to keep their number and duration at the minimum necessary, standards for their formation, use, conduct, management and accessibility to the public are required.

NOW, THEREFORE, by virtue of the authority vested in me as President by the Constitution and laws of the United States, it is hereby ordered as follows:

Section 1. As used in this order, the term --

(1) "department or agency" means any department, independent agency, or establishment of the Executive Branch of the Government;

(2) "Government Official" means any full-time salaried officer or employee of the Federal Government;

(3) "Director" means the Director of the Office of Management and Budget;

(4) "Committee" means any committee, board, commission, council, conference, panel, task force, or other similar group or body established to meet on a recurring

basis to provide advice or recommendations to the Government, or for the purpose of coordinating the activities of departments or agencies, including Presidential, inter-agency, advisory, or industry advisory committees but excluding intra-agency committees;

(5) "Presidential committee" means any advisory committee having members appointed by the President and which is used as a source of direct advice and counsel to the President or the Vice President;

(6) "Advisory committee" means any committee that is not composed wholly of Government officials that (A) is established by a department or agency of the Government in the interest of obtaining advice or recommendations, and which has been or will be in existence more than twelve months, or (B) that is not established by a department or agency, but only during any period when it is being utilized by a department or agency in the same manner as a Government-established advisory committee;

(7) "industry advisory committee" means an advisory committee composed predominantly of members or representatives of a single industry or group of related industries, or of any subdivision of a single industry made on a geographic service or product basis; and

(8) "interagency committee" means any committee formally established by a department or agency whose membership consists exclusively of Government officials, as defined herein, representing more than one department or agency, and which has been or will be in existence more than twelve months.

✓ Sec. 2. No interagency or advisory committee including industry advisory committees shall be established

by any department or agency unless such establishment is:

(1) specifically authorized by statute or Presidential directive, or

(2) specifically determined as a matter of formal record by the head of the department or agency to be in the public interest in connection with the performance of duties imposed on that department or agency by law.

✓ Sec. 3. The heads of departments or agencies will establish standards for the chartering of committees. No committee shall meet until after a committee charter has been approved by the head of the department or agency establishing the committee except where such committee has been established by statute.

Sec. 4. Unless otherwise specifically authorized by statute or Presidential directive, no advisory committee shall be utilized for functions not solely advisory. Determinations of action to be taken and policy to be expressed with respect to matters upon which a committee advises or makes recommendations shall be made solely by the President or an official of a department or agency of the Government.

✓ Sec. 5. Unless its duration is otherwise fixed by statute or Presidential directive, a committee shall terminate not later than two years from the date of its formation unless the establishing authority makes a formal determination not more than 60 days prior to the date of scheduled termination that its continued existence is in the public interest. A like determination by the establishing authority shall be necessary not more than 60 days before the end of each subsequent two-year period to continue the existence of such committee thereafter. For the purpose of this

section, the date of formation of a committee in existence on the date of publication of this Order, and not now having a termination date, shall be deemed to be January 1, 1972, or the actual date of its formation, whichever is later.

✓ Sec. 6. Unless specified to the contrary by Presidential directive, statute, or committee charter, the department or agency establishing a committee shall be responsible for providing support services for the committee's activities. Where more than one department or agency establishes a committee, only one of those departments or agencies shall be responsible for support services at any one time.

✓ Sec. 7. In order to strengthen interagency or advisory committee responsibility, such committees shall have dual or rotating chairmanships only when the heads of the departments or agencies establishing the committee determine that such an arrangement is required.

Sec. 8. The Director shall --

(1) establish and maintain oversight of the administrative activities of Presidential advisory committees unless provided to the contrary by the establishing authority;

✓ (2) issue directives and provide guidance to departments and agencies concerning the management of interagency and advisory committees consistent with the purposes and provisions of this Order;

✓ (3) from time to time request such information as he deems necessary to assure proper utilization of committees; and

✓ (4) on or before January 1 of each year, provide to Congress and thereafter publish in the Federal Register, a list of Presidential advisory, interagency, advisory, and industry

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advisory committees established or used by the Executive Branch during the preceding fiscal year. Such a list shall contain (A) the name of each committee and the agency to which it reports, (B) the name and business address of the Chairman and the agency or organization he represents, (C) an indication that the committee was established, continued or terminated during the reporting year, and (D) the name, business address and telephone number of a person whose duty it is to make appropriate response to requests for additional information about the committee.

✓ Sec. 9. The head of every department or agency establishing a committee shall --

(1) designate a Committee Management Officer to exercise effective control over the establishment and use of interagency, advisory, and industry advisory committees,

(2) issue directives and provide guidance for the management of the department or agency interagency, advisory, and industry advisory committees consistent with the provisions and purposes of this Order and the instructions of the Director;

(3) designate a Government official who shall be responsible for assembling committee records and, under established agency procedures, responding to requests for public information; and

(4) establish a committee management system, under the supervision of the Committee Management Officer, which will provide systematic and effective review and evaluation of the activities and accomplishments of interagency,

advisory, and industry advisory committees.

Sec. 10. Advisory committees shall meet under the chairmanship of, or in the presence of, a Government official appointed by the agency establishing the committee who shall have the authority and be required to adjourn any meetings whenever he considers adjournment to be in the public interest.

Sec. 11. Each industry advisory committee shall be reasonably representative of the group of industries, the single industry, or the geographical, service or product segment thereof to which it relates, taking into account the size and function of business enterprises in the industry or industries, and their location, affiliation, and competitive status, among other factors. Selection of industry members shall, unless otherwise provided by statute, be limited to individuals actively engaged in operations in the particular industry, industries, or segments concerned, except where the department or agency head makes a written determination that such limitations would interfere with effective committee operation, detailing his reasons therefor.

Sec. 12. Advisory committees shall not --

(1) receive, compile, or discuss data or reports showing the current or projected commercial operations of identified business enterprises, unless the department or agency head determines it necessary for the effective functioning of the committee, or

(2) hold any meetings except at the call of, or with the advance approval of, a Government official and with an agenda approved by such official, unless the head of the agency determines it is in the public interest to permit such meetings.

Sec. 13. (a) In order to provide for public knowledge of and accessibility to advisory and industry advisory committees, department and agency heads shall make adequate provision for participation by the public in the activities of such committees. In carrying out this obligation, and except as provided in subsection (d), departments and agencies shall:

(1) require that all meetings of such committees be open to public observation, and

(2) apprise, by publication in the Federal Register, or as appropriate by publication in local media, any interested individual or group of the purposes, membership and activities of advisory and industry advisory committees, including:

(A) dates and places of open meetings; and

(B) agendas of open meetings.

(b) Any interested person may attend open meetings of advisory and industry advisory committees. However, the department or agency head may establish reasonable limitations as to numbers of persons who may attend and the nature and extent of their participation, if any, in such meetings.

(c) Advice or recommendations of the committee shall be given only with respect to matters covered in the record of the committee's proceedings. Records shall be kept of all committee proceedings, including:

(1) the identification of committee members present and members of the public who participate at meetings and the interests or affiliations they represent;

(2) the written information made available for consideration by the committee;

- (3) a description of matters discussed; and
- (4) recommendations made and reasons therefor.

(d) The preceding provisions of this section shall apply to all advisory and industry advisory committees except to the extent that a determination is made in writing by the department or agency head that committee activities are matters which fall within policies analogous to those recognized in Section 552(b) of Title 5 of the United States Code, and the public interest requires such activities to be withheld from disclosure. When such a determination is made, the department or agency head shall detail his reasons therefor. In the event a department or agency head makes such a determination, provision shall be made for the committee to issue a report, at least annually, setting forth a summary of its activities and such other matters as would be informative to the public and would be consistent with policies analogous to those recognized in Section 552(b) of Title 5 of the United States Code.

(e) The availability to the public of records of such committees shall be determined pursuant to section 552 of Title 5 of the United States Code and other applicable law.

Sec. 14. The requirements of this order shall not apply to any advisory committee composed wholly of representatives of State or local agencies or charitable, religious, educational, civic, social welfare, or other similar non-profit organizations.

Sec. 15. To the extent this Order is inconsistent with or in conflict with any statutory provision, the provisions of the Order shall not apply.

Sources
and methods.

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Sec. 16. This Order supersedes Executive Order No. 11007, as well as all provisions of prior Executive Orders to the extent that they are in conflict with the provisions of this Order.

THE WHITE HOUSE

, 1972.

ROUTE SLIP

STATINTL

TO

Mr. [REDACTED]

- Take necessary action ☐
- Approval or signature ☐
- Comment ☐
- Prepare reply ☐
- Discuss with me ☐
- For your information ☐
- See remarks below ☐

FROM William Hawley -395-6911
48-75

DATE 5/17/72

REMARKS

In accordance with your request.